

1 EDMUND G. BROWN JR.  
Attorney General of California  
2 ALFREDO TERRAZAS  
Senior Assistant Attorney General  
3 JANICE K. LACHMAN  
Supervising Deputy Attorney General  
4 State Bar No. 186131  
1300 I Street, Suite 125  
5 P.O. Box 944255  
Sacramento, CA 94244-2550  
6 Telephone: (916) 445-7384  
Facsimile: (916) 327-8643  
7 *Attorneys for Complainant*

8 **BEFORE THE**  
9 **BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. *2011-526*

13 **MARK WILLIAM ROBINSON**

**ACCUSATION**

14 27857 Soldier Mountain Rd.  
Fall River Mills, California 96028

15 **Registered Nurse License No. 352350**  
16 **Nurse Practitioner Certificate No. 4011**  
**Nurse Practitioner Furnishing No. 4011**

17 Respondent.

18  
19 Louise R. Bailey, M.Ed., R.N. ("Complainant") alleges:

20 **PARTIES**

21 1. Complainant brings this Accusation solely in her official capacity as the Executive  
22 Officer of the Board of Registered Nursing ("Board"), Department of Consumer Affairs.

23 **Registered Nurse License**

24 2. On or about September 30, 1982, the Board issued Registered Nurse License Number  
25 352350 to Mark William Robinson ("Respondent"). The license was in full force and effect at all  
26 times relevant to the charges brought herein and will expire on December 31, 2011, unless  
27 renewed.  
28

1       **Nurse Practitioner Certificate**

2       3.     On or about July 16, 1987, the Board issued Nurse Practitioner Certificate Number  
3     4011 to Respondent. The certificate was in full force and effect at all times relevant to the  
4     charges brought herein and will expire on December 31, 2011, unless renewed.

5       **Nurse Practitioner Furnishing License**

6       4.     On or about October 31, 1994, the Board issued Nurse Practitioner Furnishing  
7     License Number 4011 to Respondent. The license was in full force and effect at all times  
8     relevant to the charges brought herein and will expire on December 31, 2011, unless renewed.

9                   **JURISDICTION**

10      5.     Business and Professions Code ("Code") section 2750 provides, in pertinent part, that  
11     the Board may discipline any licensee, including a licensee holding a temporary or an inactive  
12     license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing  
13     Practice Act.

14      6.     Code section 2764 provides, in pertinent part, that the expiration of a license shall not  
15     deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or  
16     to render a decision imposing discipline on the license. Under Code section 2811(b), the Board  
17     may renew an expired license at any time within eight years after the expiration.

18                   **STATUTORY PROVISIONS**

19      7.     Code section 2761 states, in pertinent part:

20         "The board may take disciplinary action against a certified or licensed nurse or deny an  
21     application for a certificate or license for any of the following:

22         (a) Unprofessional conduct.

23         (f) Conviction of a felony or of any offense substantially related to the qualifications,  
24     functions, and duties of a registered nurse, in which event the record of the conviction shall be  
25     conclusive evidence thereof."

26     ///

27     ///

28     ///

1 8. Code section 2762 states, in pertinent part:

2 "In addition to other acts constituting unprofessional conduct within the meaning of this  
3 chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this  
4 chapter to do the following:

5 (b) Use any controlled substance as defined in Division 10 (commencing with Section  
6 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in  
7 Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to  
8 himself or herself, any other person, or the public or to the extent that such use impairs his or her  
9 ability to conduct with safety to the public the practice authorized by his or her license.

10 (c) Be convicted of a criminal offense involving the prescription, consumption, or self-  
11 administration of any of the substances described in subdivisions (a) and (b) of this section, or the  
12 possession of, or falsification of a record pertaining to, the substances described in subdivision (a)  
13 of this section, in which event the record of the conviction is conclusive evidence thereof."

14 **COST RECOVERY**

15 9. Code section 125.3 provides, in pertinent part, that the Board may request the  
16 administrative law judge to direct a licensee found to have committed a violation or violations of  
17 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
18 enforcement of the case.

19 **FIRST CAUSE FOR DISCIPLINE**

20 **(Conviction of a Crime)**

21 10. Respondent is subject to discipline under Code section 2761(f), in that he was  
22 convicted of the following crimes that are substantially related to the qualifications, functions or  
23 duties of a licensed registered nurse:

24 a. On or about November 23, 2005, in the case of *People v. Mark William Robinson*,  
25 (Super. Ct. Tehama County, Case No. NCR67423), Respondent was convicted by the Court on  
26 his plea of no contest of violating Vehicle Code section 23152(b) (driving with a blood alcohol  
27 level of .08% or higher). The circumstances of the crime were that on or about October 13, 2005,  
28 Respondent drove a vehicle while having a blood alcohol level of 0.15%.

1           b. On or about August 31, 2009, in the case of *People v. Mark William Robinson*, (Super.  
2 Ct. Shasta County, Case No. TR09-5433), Respondent was convicted by the Court on his plea of  
3 no contest of violating Vehicle Code section 23152(b) (driving with a blood alcohol level of .08%  
4 or higher), and Penal Code section 12031(a)(1) (carrying a loaded firearm in a vehicle). The  
5 circumstances of the crimes were that on or about June 20, 2009, the CHP received a report of a  
6 reckless and possible DUI driver in Fall River Mills. The CHP responded and found the reported  
7 vehicle parked on the side of the road. The CHP officer found Respondent sitting in the driver's  
8 seat, with slurred speech, glassy eyes and the smell of alcohol. Based upon his objective  
9 symptoms of intoxication and the field sobriety tests, Respondent was arrested. A search of his  
10 vehicle turned up a loaded 45 caliber pistol in the side door pouch. Subsequently, Respondent  
11 submitted to a breath test, which measured his blood alcohol level at .09% and .08%.

## 12                                   **SECOND CAUSE FOR DISCIPLINE**

### 13                                   **(Dangerous Use of Alcohol)**

14           11. Respondent is subject to discipline under Code sections 2761(a), on the grounds of  
15 unprofessional conduct, as defined in Code section 2762(b), in that on or about October 13, 2005,  
16 and June 20, 2009, Respondent used an alcoholic beverage to an extent or in a manner dangerous  
17 or injurious to himself and the public when he operated a vehicle while under the influence of  
18 alcohol, as more particularly set forth above in paragraph 10.

## 19                                   **THIRD CAUSE FOR DISCIPLINE**

### 20                                   **(Conviction Involving the Consumption of Alcohol)**

21           12. Respondent is subject to discipline under Code section 2761(a), on the grounds of  
22 unprofessional conduct as defined in Code section 2762(c), in that on or about  
23 November 23, 2005, and August 31, 2009, Respondent was convicted of crimes involving the  
24 consumption of alcohol, as more particularly set forth above in paragraph 10.

## 25                                   **PRAYER**

26           **WHEREFORE**, Complainant requests that a hearing be held on the matters herein alleged,  
27 and that following the hearing, the Board of Registered Nursing issue a decision:  
28

1. Revoking or suspending Registered Nurse License Number 352350, issued to Mark William Robinson;
2. Revoking or suspending Nurse Practitioner Certificate Number 4011, issued to Mark William Robinson;
3. Revoking or suspending Nurse Practitioner Furnishing License Number 4011, issued to Mark William Robinson;
4. Ordering Mark William Robinson to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and,
5. Taking such other and further action as deemed necessary and proper.

DATED: 12/14/10

*Louise R. Bailey*  
LOUISE R. BAILEY, M.ED., R.N.  
Executive Officer  
Board of Registered Nursing  
State of California  
Complainant

SA2010101252  
10607810.doc